

Government Administration and Elections Committee
Public Hearing March 7, 2016

Sen. Cassano, Rep. Jutila, Sen. McLachlan, Rep. Smith, committee members:

Thank you for this opportunity to voice our support of Raised Bill No. 5499, An Act Concerning the Preservation of Historical Records and Access to Restricted Records in the State Archives. I am James H. Smith, president of the nonprofit Connecticut Council on Freedom of Information.

Just a few years ago there was no law against obtaining historical medical records. But knowing of efforts to study Post Traumatic Stress Disorder in Civil War soldiers and to learn the secrets of an obsessed mass murderer, the Department of Mental Health and Addiction Services proposed legislation to stop that research.

Wisely, this committee didn't let that legislation get to the floor. But unbeknownst, no doubt, to anyone on this committee DMHAS managed to get its censorship ideas into the 37th section of a 98-section funding bill at the midnight hour on the last day of the session in 2011. That law stifles legitimate and valuable historical research.

A college history professor was stopped in his scholarly tracks in examining what was then called "soldiers heart" of Civil War veterans at Connecticut Valley Hospital. A biographer has been prevented from seeing evidence of why, more than a century ago, Amy Archer Gilligan was murdering her charges in an old persons' home, what today we would call a nursing home. I do not think it is a stretch to wonder if we had known more about a mass murderer a century ago, if that could have helped prevent a mass murder at Sandy Hook and at too many other places in the country. If the public, if parents, if relatives were knowledgeable of the symptoms in disturbed individuals who are capable of such deeds, could we not be more successful in preventing them? Why did Gilligan do what she did? What can the records of her psychological make up tell a beleaguered society?

It is time for Connecticut to rejoin the rest of America on this front. The National Archives releases personal data it holds after 75 years. The incredibly strict HIPPA laws, allow the release of personal medical information after 50 years.

As you know, the legislation before you does just that and overturns the head-in-the-sand law now on our books. We thank you for raising this bill and urge you to vote it out on to the floor and put Connecticut back in the world where writers, researchers, historians can fully benefit society with their enlightened work.

